Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

FOR ARGUMENT

IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-752

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

vs.

THE CATHOLIC BISHOP OF CHICAGO,
A CORPORATION SOLE, AND
DIOCESE OF FORT WAYNE-SOUTH BEND, INC., ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MOTION TO SUPPLEMENT THE RECORD

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and

JEROME J. O'DOWD
Of Counsel

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Respondents, The Catholic Bishop of Chicago and Diocese of Fort Wayne-South Bend, Inc., move this Court for entry of an order directing the Clerk of the United States Court of Appeals For The Seventh Circuit to certify a copy of Respondent Diocese of Fort Wayne-South Bend, Inc.'s "Brief for Petitioner" in Case No. 76-1638 in that court and to transmit the certified copy of this Brief to this Court.

In support of this Motion, Respondents state that:

1. On October 25, 1978, Petitioner the National Labor Relations Board ("the Board"), filed its Reply Brief in this Court.

2. On page 2 of footnote 1 of the Board's Reply Brief, the Board represents that Respondents did not present their position that Congress did not intend the National Labor Relations Act, 29 U.S.C. §§ 151 *et seq.* ("the Act"), to apply to private, religious school teachers before the Seventh Circuit.

3. Respondents did in fact contend before the Seventh Circuit that Congress did not intend to apply the Act to private, religious school teachers and this contention is presented on pages 25 and 26 of Respondent Diocese of Fort Wayne-South Bend, Inc.'s "Brief for Petitioner" in Case No. 76-1638 in that Court.

4. A certified copy of Respondent Diocese of Fort Wayne-South Bend, Inc.'s "Brief for Petitioner" in the Seventh Circuit is necessary to complete the Record before this Court.

Respectfully submitted,

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Dated: October 27, 1978

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